

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER DIVIDING AND CHANGING OWNERSHIP OF APPROPRIATION A-6876

AND APPROVAL OF MAPS NUMBER 20478, 20479 AND 20480

WATER DIVISION 1-D

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that a portion of land located in the SE $\frac{1}{4}$ of Section 04, Township 08 North, Range 04 East of the 6th P.M. in Saline County appurtenant to surface water appropriation A-6876 is owned by the David R. and Teresa A. Muff Trust and CEK Investment Properties LLC.
2. Records on file in the Department show that a portion of land located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 04, Township 08 North, Range 04 East of the 6th P.M. in Saline County appurtenant to surface water appropriation A-6876 is owned by Jason J. and Lindsey S. Vosta.
3. A search of the records of the Saline County Register of Deeds indicates a portion of the land appurtenant to appropriation A-6876 located in the SE $\frac{1}{4}$ of Section 04, Township 08 North, Range 04 East of the 6th P.M. in Saline County is owned by Jason J. and Lindsey S. Vosta.
4. A review of Department records indicates a **Scrivener's error** was made on the Order dated November 7, 1955. The correct points of diversion are located on both banks of the stream in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 04 and on the right bank in the NE $\frac{1}{4}$ of Section 09 rather than on both banks of the stream in the S $\frac{1}{2}$ SE $\frac{1}{4}$ and on the right bank in the NE $\frac{1}{4}$ of Section 09.
5. Appropriation A-6876 with a priority date of December 1, 1954, authorizes the use of water for irrigation of the 191.0 acres of land described below. The water may be diverted from the Big Blue River at points of diversion located on both banks of the stream in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 04 and on the right bank in the NE $\frac{1}{4}$ of Section 09, all in Township 08 North, Range 04 East of the 6th P.M. in Saline County. Water diverted shall not exceed the ratio of one cubic foot per second (cfs) for every 140 acres irrigated at a maximum combined rate of 1.36 cfs from all points of diversion.

Township 08 North, Range 04 East of
the 6th P.M. in Saline County Acres

Section 04: NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0

Township 08 North, Range 04 East of
the 6th P.M. in Saline County Acres

Section 09: NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>36.0</u>

TOTAL 191.0

6. On June 28, 2019, Scott Kraus, on behalf of CEK Investment Properties LLC, filed a *Notice of Change of Ownership/Water Resources Update Notice* indicating that CEK Investment Properties LLC owns a portion of the land authorized to be irrigated by appropriation A-6876
7. On December 5, 2019, David R. and Teresa A. Muff, Trustees of the David R. and Teresa A. Muff Trust, filed a *Notice of Change of Ownership/Water Resources Update Notice* indicating that the Trust owns a portion of the land authorized to be irrigated by appropriation A-6876.
8. Appropriation A-6876 was originally granted to a single landowner. The appurtenant land was later divided into distinct parcels to multiple owners. Because of the multiple owners, the Department determined that it is in the best interest of the owners and the State to divide the water appropriation among the owners so that each owner's rights are distinguishable.

ORDER

IT IS HEREBY ORDERED:

1. Appropriation A-6876 is divided into three appropriations, A-6876A, A-6876B and A-6876C.
2. Appropriation A-6876A authorizes the use of water to irrigate the 51.8 acres of land described below and depicted on map number 20478, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 04 Township 08 North, Range 04 East of the 6th P.M. in Saline County. Water diverted from the Big Blue River shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.37 cfs (166 gallons per minute).

Township 08 North, Range 04 East of the 6 th P.M. in Saline County		Acres
Section 04:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>3.3</u>
TOTAL		51.8

3. Appropriation A-6876B authorizes the use of water to irrigate the 49.2 acres of land described below and depicted on map number 20479, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the left bank of the stream in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 04 Township 08 North, Range 04 East of the 6th P.M. in Saline County. Water diverted from the Big Blue River shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.35 cfs (157 gallons per minute).

<u>Township 08 North, Range 04 East of the</u> <u>6th P.M. in Saline County</u>		<u>Acres</u>
Section 09:	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.5
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.7
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>38.0</u>
TOTAL		49.2

4. Appropriation A-6876C authorizes the use of water to irrigate the 90.0 acres of land described below and depicted on map number 20480, which is made a part of this Order. The water may be diverted from the Big Blue River at a point of diversion located on the right bank of the stream in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 09 Township 08 North, Range 04 East of the 6th P.M. in Saline County. Water diverted from the Big Blue River shall not exceed the ratio of one cfs for every 140 acres irrigated at a maximum rate of 0.64 cfs (287 gallons per minute).

<u>Township 08 North, Range 04 East of the</u> <u>6th P.M. in Saline County</u>		<u>Acres</u>
Section 09:	NW $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>36.0</u>
TOTAL		90.0

5. All terms and conditions of the approval of appropriation A-6876 remain in effect unless specifically changed by this Order.
6. Total annual volume of water diverted may not exceed three acre-feet per acre irrigated per year.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Order may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for more than five consecutive years may result in cancellation of the appropriation.

These appropriations are not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. These appropriations may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

April 01, 2020



Jesse Bradley, Interim Director

A copy of this Order was posted on the Department's website. Copies of this Order and maps number 20478, 20479 and 20480 were provided to the Department's field office in Lincoln, Nebraska. Copies of this Order and maps number 20478, 20479 and 20480 were mailed on April 01, 2020, to the following:

David R. & Teresa A. Muff, Trustees
193 County Road 2250
Crete, Nebraska 68333

Jason J. and Lindsey S. Vosta
174 238th Road
Milford, Nebraska 68405

Scott Kraus
CEK Investment Properties LLC
1865 North Hearthstone Lane
Strafford, Missouri 65757